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## FLEXIBLE WORKING IN THE UK: INTERROGATING POLICY THROUGH A GENDERED BACCHI LENS

### TRABAJO FLEXIBLE EN EL REINO UNIDO: INTERROGAR POLÍTICAS A TRAVÉS UN ENFOQUE BACCHI CON PERSPECTIVA DE GÉNERO

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#### Abstract

This article focuses on organisations' flexible working policies and the UK's Right to Request Flexible Working legislation first introduced in 2002 and progressively extended in 2009 and 2014. It critically explores the existing literature around flexible working to examine the UK's policy approach through a gendered lens and by adopting Bacchi's framework «What's the problem represented to be». Three themes from the literature are identified and explored to problematise the deep-seated assumptions and silences underpinning policy: namely, the dominance of the business case rationale; the gendered substructure of organisations; and the disjuncture between policy «on paper» and policy «in practice». Through the lens of Bacchi, the article highlights that the «problems» underpinning the UK's Right to Request legislation and organisation's flexible working policies are neither fixed nor static, discursively shifting across «time», and that flexible working policies must be analytically situated within their social and economic contexts.

**Keywords:** Bacchi; Flexible working; Gender; Policy; Organisations

## Resumen

Este artículo se centra en las políticas de trabajo flexible de las organizaciones y en la legislación del Reino Unido sobre el derecho a solicitar trabajo flexible, introducida en 2002 y ampliada progresivamente en 2009 y 2014. Explora críticamente la literatura existente sobre el trabajo flexible para examinar el enfoque de políticas del Reino Unido a través de una lente de género y adoptando el marco de Bacchi «¿Cómo se representa el problema?». A partir del marco teórico, se identifican y exploran tres temas para problematizar los supuestos y silencios que están profundamente arraigados y sostienen la política: a saber, el predominio de la lógica de los negocios; la subestructura de género de las organizaciones; y la brecha entre la política «en papel» y la política «en la práctica». A través de la lente de Bacchi, el artículo destaca que los «problemas» que yacen debajo de la legislación sobre el derecho a solicitar trabajo flexible del Reino Unido y las políticas de trabajo flexible de las organizaciones no son fijos ni estáticos, cambian discursivamente a través del «tiempo», y que las políticas de trabajo flexibles deben estar situadas analíticamente dentro de sus contextos sociales y económicos.

**Palabras clave:** Bacchi; trabajo flexible; género; política; organizaciones

## 1. INTRODUCTION

With women's increased participation in the labour market in the latter part of the 20<sup>th</sup> century and organisations' growing reliance on female labour (Haas, Hwang and Russell 1), traditional assumptions about the separation of work and personal life and the gendering of these spheres have long been argued to be outdated (Kanter 4). A suite of work-life policies has been introduced and developed by governments and organisations across different countries to try to help reconcile work and family responsibilities (Gambles, Lewis and Rapoport 3). Such policies have been labelled as family-friendly, work-life «balance» and/or flexible working policies, and have tended to embrace differing types of working arrangements to give a degree of flexibility on how long, where, when and at what times employees work (CIPD 2). Often included as part of such working arrangements, among others, are part-time working; term-time working; job-sharing; flexitime; compressed hours; annual hours; and remote working. Government and organisational policies have also been developed and extended around pre-school childcare provision and parental arrangements such as maternity, paternity and shared

parental leave or «daddy quotas» (as is the case in Norway). In particular, there has been a strong commitment to gender equality in Norway and other Scandinavian countries, with state policies encouraging men's engagement in childcare and family life. Nevertheless, despite well-paid paternity and individualised parental leave, men in Scandinavian countries continue to be less likely to pursue shorter working hours with commitment still equated with presence in the workplace (Gambles, Lewis and Rapoport 30; Haas and Hwang 10).

Focusing on the UK context, this article explores policy around flexible working, with a specific emphasis on the Right to Request Flexible Working legislation introduced in the UK by the New Labour Government in 2002. Driven in part by the policy agenda of the European Union to promote women as an untapped labour market resource, the legislation in the UK was initially targeted to help working parents (especially mothers) with young children, to enable them to participate more fully in the workforce (Fagan and Rubery 298; Kelliher and de Menezes 10). The Right to Request Flexible Working legislation was extended in 2009 and then 2014 to incorporate all workers regardless of care responsibilities. Yet, while the policy language has been couched in gender-neutrality and universalism, there has remained an implicit association of flexible working with working parents, particularly mothers.

Over the last thirty years, the UK's Right to Request legislation and organisations' response to managing and negotiating the work-home nexus through flexible working-related policies and initiatives has attracted much research attention (Lewis and Lewis 2; Gambles, Lewis and Rapoport 3). Consideration has been devoted to definitions and the language of policies, as well as the gap between policy and practice. Since the late 1990s survey data has examined the provision and uptake of the Right to Request and different Flexible Working Arrangements (for example, Kersley *et al.* 5), with qualitative studies drawing attention to some of the social, cultural, economic and organisational barriers impacting the implementation of policy in practice in differing national and organisational contexts (Gambles, Lewis and Rapoport 5; Lewis, «Family» 15). The aim of this article is to contribute to this literature by critically problematising and interrogating the UK's Right to Request Flexible Working legislation and organisations' flexible working policies

more generally from a gendered perspective and through the lens of Bacchi's framework «What's the problem represented to be?» (WPR hereafter) (10).

The article begins by setting out Bacchi's WPR approach to policy analysis and why a gendered lens is adopted. The next section outlines the UK's Right to Request Flexible Working legislation and the progressive extension of the policy. The article then focuses on three key themes that emerge from applying a Bacchi and gender-influenced lens to the extant literature on flexible working in the UK between the 1990s and 2019. The three themes explored are: firstly, the dominance of the business case rationale underpinning UK flexible working policy; secondly, the gendered substructure of work organisations that policy is implemented and played out in; and thirdly, the disjuncture between policy and practice, and the negotiation and enactment of flexible working policy in daily workplace life. Drawing upon a Foucault-influenced, post-structural perspective and framing policy as discourse, social policy is conceptualised by the Bacchi framework as a highly normative discipline which constructs ideal models of society based on notions of social justice which disguise underlying relations and dynamics of power (20). This article follows the Bacchi approach in arguing that the UK Right to Request and flexible working-related policy at an organisational level are neither fixed nor static –policies and the problems they ostensibly represent, discursively shifting across «time». As part of this argument it is stressed that policies as discourse must be analytically situated within their social and economic contexts and in work organisations that are deeply embedded along gendered lines, both enabling and constraining the ways policy «plays out» in practice and thus exposing through the lens of Bacchi the «silences» behind policy (5).

## 2. WHAT'S THE PROBLEM REPRESENTED TO BE?

The WPR approach to policy analysis brings a sequence of questions that allows policies to be opened up to interrogation (Bacchi 9; Bacchi and Goodwin 20). Bacchi's approach captures six interrelated questions (box one) and works backwards from policy as discourse to question their underlying premises, their historic context and their complex and contradictory effects and implications.

## Box One: What's the problem represented to be?

1. What's the problem represented to be in a specific policy?
2. What deep-seated presumptions underlie the representation of the problem?
3. How has this representation of the problem come about?
4. What is left unproblematic in this problem representation? Where are the silences?
5. What effects are produced by this representation of the problem?
6. How and where has this representation of the problem been produced?

Informed by Foucault and post-structuralism, a strength of Bacchi's WPR approach is the use of text as «levers» to open up and reflect on the production of «truths» instituted through a particular way of constituting a problem (14). Bacchi's approach starts from the premise that policy as discourse is not «axiomatic or self-evident» (22). In so doing, the conventional view that policies address problems are explicitly challenged, enabling the probing of deep-rooted assumptions and a light to be shone on the implications of policy for how lives are imagined and lived in practice, and thus what is left unproblematic or silenced by policy (Bacchi and Goodwin 101).

Following Crompton («Decline»), while gender in this article is understood as performative and as continually being created and re-created, structures nevertheless still count, with gender deeply entrenched in wider social and economic contexts and institutions, recognising that neither the individual nor the social «can exist without the other» (Crompton, «Decline» 8). Through the lens of Bacchi's overarching framework of interrelated questions, the article specifically draws out themes from the literature in relation to gender linked to the following Bacchi's question areas: (i) the representation of the policy problem, (ii) the deep-seated presumptions underling policy and where they come from and (iii) the effects and silences that it produces (see box one) (20). This allows not only for the probing of the social, cultural and economic contexts in which flexible working policy as discourse «plays out» but, combined with a «gendered» lens, provides an insight into the gendered power relations embedded in such contexts and how such dynamics shape

and influence policy in practice (Acker, «Hierarchies» 140). Thus, in line with a Foucauldian perspective, policy «cannot be seen as the expression of a neutral rationality, but it is the expression of knowledge as power» (Bacchi and Goodwin 10).

### 3. UK CONTEXT

Increasingly the workforce in the UK and other countries is made up of women and men with responsibilities for both the care and economic support of families (Lewis, «Rethinking» 2). To facilitate the reconciling of family and employment responsibilities, governments and organisations have introduced policies captured broadly under the rubric of work-life «balance» (WLB). Although historically the UK has typically been a liberal welfare regime (Crompton, *Employment* 120), with the care of dependents not only gendered but deemed a private, family issue (Lewis and Campbell 5), a suite of policies and initiatives to try to support the work-family nexus have been introduced and developed by the UK government since the late 1990s. This began in March 2000 with the launch of a work-life «balance» campaign by the New Labour government (see Fagan 240; Woodland *et al.* 3). While both social and economic objectives informed the policy agenda, the UK work-family «balance» discussion was simultaneously conceptualised and driven in the context of broader European debate, particularly around opportunities to increase women's participation in the labour market (Lewis and Campbell 7). Looking at policy through the lens of Bacchi, it is women's labour market activation that first formed «the representation of the problem» (4).

As part of the New Labour government work-life «balance» campaign, at the level of the state and the firm, in 2002 legislation was introduced to provide employees the right to request reduced or flexible working if they had a dependent child under six years of age or a disabled child under 18 years of age. This legislation was extended in 2009 to include parents with children aged 16 years and under (ACAS) and in 2014 (under the Coalition government) was made available to all workers regardless of caring responsibilities. While there remains no formal or clear definition of flexible working (CIPD 2), policies tend to consist of arrangements such as job sharing, compressed hours (e.g. a nine-day fortnight or four and a half day week) career break

schemes, flexi-time homeworking, term-time working, part-time or reduced hours of work (Kersley *et al.* 305; Pyper 5).

A vast literature has been established in relation to flexible working and work-life «balance» more generally (see Gambles, Lewis and Rapoport 5). Discussion has focused on the language that is used to talk about the issues shaping and informing such policies, with the concept of work-life «balance», as opposed to «work-family» or «family-friendly» argued to reflect a broader and more inclusive way of framing the debate, including the right to request flexible working –one that attempts to engage men and women, with and without young children or other caring commitments. Nevertheless, work-life «balance» is a concept that has been heavily criticised for implying that work is not a part of life, and thus that there is a «trade off» between paid work and family commitments. While discussion continues over the language that should be used to frame flexible working and work-life «balance» debates more generally (Gambles, Lewis and Rapoport 4), for the purposes of this article, three themes are identified by adopting Bacchi's WPR approach as a way to explore and interrogate the extant literature (between the period 1990 and 2019) on UK flexible working policy –namely, the dominance of the business case rationale, the gendered substructure of work organisations, and the gap between policy and practice. Each theme emerged by examining the literature through the lens of the Baachi's framework of inter-related questions to capture the representation of the policy-problem; the deep-seated underlying assumptions of the problem and how they came about; and their silences and effects (Bacchi and Goodwin 20). Each theme is now discussed in turn.

#### 4. THE DOMINANCE OF THE BUSINESS CASE RATIONALE

Central to much of the government and academic literature relating to the UK's work-life «balance» campaign and Right to Request Flexible Working legislation introduced in 2002 has been social as well as economic objectives (Lewis and Campbell 9; Dex, 4; Dex and Scheibl 412). While the government's social objectives focused on challenges related to an aging society, falling fertility rates, tackling child poverty and children's social and educational development through high quality childcare, the goal of gender equality was not explicitly articulated (Lewis and Campbell 21). Further, economic objectives



and the so-called «business case argument» have become increasingly prominent. By «business case argument» it is meant, as Dex and Scheibl point out «establishing that there are measurable business net benefits over costs which would clearly give organisations an incentive to adopt such arrangements» (414). In the UK, as part of the Department of Trade and Industry's (DTI) initial promotion of flexible working practices was a pamphlet of case studies to highlight successful stories and an alliance of 22 leading work-life «balance» employees was set up (Fagan 239; Tomlinson 413). In line with the EU economic agenda to promote women's increased labour market participation (Lewis and Campbell 6), the economic and business benefits of the right to request flexible working legislation and organisations' policy initiatives have focused on the recruitment and retention of women, with an emphasis on the cost of every lost employee, increased productivity levels, reduced absenteeism and minimising stress (Brannen and Lewis 99). Ultimately, the problem represented to be by the New Labour government's 2002 Right to Request Flexible Working policy was to increase women's labour market participation in the context of the growing service sector economy.

First introduced under the New Labour Government (1997-2010), the Right to Request Legislation (2002; 2009; 2014) enabled an employee who has been employed continuously for 26 weeks or more to apply in writing to their employer requesting a change in hours, times or location of work as between his home and employer's place of business. However, the legislation stipulates that only one application may be made by an employee in any 12-month period and employers could reject an application on any of the following business grounds:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to re-organise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work; or planned structural changes (Pyper 6)

It is important to emphasise, therefore, that the UK government's approach has been to introduce policy into existing organisational systems, and consistent with its traditional, supportive relationship with business has sought «to encourage employers into voluntary action, as the market permits, rather than to regulate for change». (Gambles, Lewis and Rapoport 26).

The UK Equalities and Human Rights Commission, along with the charity, Working Families has recently advocated that all jobs should be advertised and made available on a flexible working basis, and as a day one right (rather than after 26 weeks continuous employment), in order to increase opportunities for both men and women and to give individuals greater choice about the roles they play at work and at home (Equality and Human Rights Commission 1; Kelliher and de Menezes 8). Further, a Flexible Working Task Force was established by the Conservative government in March 2018 to widen the availability and uptake of flexible working across the workforce, with the government committing to increase communications around flexible working, following recommendations from the Taylor Review (2016) and the Women and Equalities Commission (WEC) in their Gender Pay Gap report (2016) (Pyper 15). Dialogue at organisational and government level around flexible working policy and the Right to Request Flexible Working legislation has therefore continued.

Linked to discussions in the research literature around flexible working and the business case has been the employee-employer dichotomy, with flexibility and flexible working arrangements understood, in the words of Kelliher and de Menezes as either:

employer-driven –that is, primarily concerned with efficiency, productivity, speed of response and competitiveness; or employee-driven –that is, intending to accommodate employees non-work lives and help them achieve a satisfactory work-life balance. (10)

While flexible working was initially presented by the New Labour Government as «mutually beneficial» for the employee and employer (Gregory and Milner 2), this has been challenged by scholars adopting a critical perspective, especially across changing economic contexts, with many arguing that policies are overly employer driven (Fleet 397; Kossek, Lewis and Hammer 5). Indeed, as Lewis *et al.* (507) argue, the discursive shifting of flexible working policy through what Lombardo *et al.* refers to as processes of «fixing, shrinking

stretching and bending» has become particularly visible in times of economic change (cited in Lewis *et al.* 590). Many companies during the 1990s for example, as Brannen and Lewis assert, adopted a plethora of strategies, including downsizing their labour forces, «delaying» and outsourcing business functions to other companies, to provide them with the flexibility to deal with poor economic conditions (100). Flexibility from an employer perspective also became significant and prioritised following the 2008 global recession and the introduction of associated austerity policies. According to Lewis *et al.* in their research on flexible working policies in UK public sector organisations, this led to cost-cutting and efficiency measures drawing on neo-liberal discourse around the principles of new public sector management and the rolling back of the state, while presenting them in the language of flexibility and work-life «balance» as a way to try to soften the blow for employees and to obscure the instrumental economic decision-making driving them (593). Thus, through the lens of Bacchi, the representation of the problem not only shifts, moving away from their original goal of principally getting more women into the labour market, but the ways in which flexible working policy is implemented by organisations can often reduce the opportunities to manage personal needs and lead to increased working hours (Putnam, Myer and Gailliard 416).

Figures from the CIPD indicate the uptake of most types of flexible working over the last decade has largely plateaued in the UK (6). This is despite the fact that the legal right to request flexible working has been extended and made available to all workers regardless of caring responsibilities. However, this could also be linked to organisations offering fewer flexible working arrangements following the 2008 financial crisis (Bessa and Tomlinson 154). Data from the 2019 UK Working Lives survey (CIPD 12) shows that just over half of UK workers work flexibly in some way, with those in higher-level occupations most able to use flexible working to support their work-life «balance». While there is evidence in the CIPD report of an increase in more informal flexible working, such as people working from home on an *ad hoc* basis, there remain unmet demands and a lack of equality of access to both formal and informal flexible working. Silences from a Bacchi perspective therefore emerge in relation to who is able to take up flexible working arrangements

and who is benefiting from government and organisational policy (Bacchi and Goodwin 20).

Among employees who have no access to flexible working, the 2019 UK Working Lives Survey also indicates that 78% would like it and more than half the workforce would like to work flexibly in at least one form that is not currently available to them (CIPD 14). Survey data indicates that larger firms (especially in the public sector) have been more likely to offer work-life policies than smaller ones. Larger firms are also more likely than smaller organisations to devise such arrangements as a package of measures (Kersley *et al.* 251). Similarly, workplaces where more than half the workforce were female, were more likely to have access to flexible working arrangements (with the exception of home working and flexitime which tend to be used by men). A further key theme, therefore, identified by applying a Bacchi approach to the flexible working literature is that policy take up has been gendered. Indeed, despite attempts to present and position flexible working policy as gender-neutral, overlooked is the implementation of policy within existing organisational structures and cultures that reinforce work and family spheres as not only gendered, but as separate (Fletcher and Rapoport 142).

## 5. THE «GENDERED» NATURE OF WORK-LIFE POLICIES

Threading through the literature on work-life «balance» and flexible working is the argument that «the mere existence of work-life policies alone does not necessarily result in organisation integration» (Kossek, Lewis and Anderson 9), especially when both present social arrangements for care, and cultures and practices in work organisations, tend to benefit «men» (Wajcman 160). Thus, while the UK government has attempted to encourage the promotion of flexible working for both men and women (Smithson *et al.* 116), the implementation of flexible working policy occurs at an organisational level and in what some feminist theorists have referred to as gendered organisations (Acker, «Hierarchies» 139). Indeed, it is clear by looking at the literature through a Bacchi lens that a privileging of the business case and women as an economic growth resource by government and business, overlooks the social context in which work-family linkages are situated and neglects that they are deeply embedded in gendered social institutions. As a consequence,

flexible working policy in the UK has been presented as gender-neutral while implicitly reinforcing caring matters as «women's issues».

Pivotal to theorising on the «gendered» work organisation (Acker, «Hierarchies» 139) has been the concept of the «ideal worker» which positions the ideal worker as someone, usually a man, who can work as though they have no caring or social responsibilities beyond paid employment. It is suggested that it is especially difficult for men to take-up flexible working arrangements when notions of the «ideal worker» remain deeply entrenched in conventional career and work structures. It also engenders challenges for women who have adopted strategies to gain acceptance and advance in organisations that are grounded in a «male» model of work (Teasdale 399). As Raabe asserts, even in a supportive work-family environment such as Sweden, organisational cultures remain highly gendered and many men are reluctant to take up their entitlement to policies (128; see also Haas and Hwang 58). Indeed, research indicates that it has not only been predominantly women who take up flexible working, but women working at senior grades who have had real access to flexible working policies, and gain access to what Tilly has called «retention part-time work» which is often informally negotiated (see Tomlinson 415). The few men that opt for flexibility, as Smithson *et al.* point out, tend to be older, already partners or directors in their organisations, financially stable and with older children who are beyond the stage of continuous care (130).

In terms of gendered take-up, a report for the TUC by Fagan *et al.* indicates that although significant numbers of men have requested flexible work, they experience greater barriers to their requests than women (12). For example, Fagan *et al.* note that 19% of women employees in the UK have made requests for flexibility compared to 10% of men, and that mothers (36%) are three times more likely to request flexibility than fathers (12%) (12). Yet, it is stressed that when men do make a request in the UK, it is more likely to be rejected outright compared to their female counterparts, and that their cases are more likely to be lost, ruled out on procedural grounds or dismissed at tribunals. Women and men also use different types of flexible working and use it in different ways that leads to different outcomes in terms of work-life «balance», well-being and work-intensification (Chung and van der Lippe 5). So while the ideal «male» worker model is outdated, it nevertheless remains

deeply embedded and «silenced» in work organisations (Haas, Hwang, and Russell 11), along with discourses of motherhood and the ideal carer (Lewis and Humbert 242). Consequently, despite shifts and the broadening of policies for parents to policies for all workers, this has not necessarily been aligned with shifts in gender attitudes and expectations and the need for men to be more actively involved in care work. Women's employment, therefore, still tends to remain more strongly affected by parenthood (Haas, Hwang and Russell 246).

Two further reasons are put forward in the research literature that from a Bacchi approach «problematis» the gendered contexts in which flexible working policy are implemented and «played out». Firstly, it is suggested that in the UK employees tend to have a low sense of entitlement to such policies (Lewis and Smithson 1455). This has especially been the case when policies have implicitly and historically been targeted at a particular group of workers –namely parents with young children (usually mothers), with policies often interpreted as perks rather than rights (Lewis, «Family» 15). Secondly, it is suggested that organisational «discourses of time» and «presenteeism» which equate long working hours with «commitment» to the job and being in the office, do not encourage employees to feel they have a right to flexibility (Lewis, «Family»). Indeed, in terms of the «gendered» take up of flexible working policies, a primary concern for individual workers is the career implications (perceived or actual) (Lewis and Lewis 16; Kossek, Lewis and Anderson 5). As McDonald, Brown, and Bradley point out:

In a climate that accepts and encourages long hours of working ...the legacy of being committed to the job for as long as it takes remains the prevailing ethos. (274)

Thus, rather than being seen as equivalent to full-time forms of employment, left unproblematic and silenced, is the fact that flexible working arrangements have been associated with work penalties including lower pay, lack of opportunities for promotion and poorer working conditions and mainly utilised by women workers (Fagan *et al.* 10; Raabe 128; Kelliher and de Menezes 8).

Clear then from applying a Bacchi lens to the research literature is that while a growing list of policies and programmes appear to indicate government and organisations' commitment to flexible working, overlooked is the

appropriateness of the existing systems and structures that policy is being brought into. Consequently, as Lewis argues, policies have tended to be implemented as «quick fixes», introduced at the margins of organisations, but seldom challenging or making visible traditional gendered patterns of paid employment and unpaid caring work and the traditional gendered division of labour («Family» 14). This also has ramifications for the playing out and negotiation and enactment of policy at the level of managerial and co-worker social relations. This is especially interesting in the context of high workloads and staff shortages. It is to this that the discussion now turns.

## 6. DISJUNCTURE BETWEEN POLICY AND PRACTICE: SUPPORT, TENSIONS AND RESENTMENT

One of the ramifications sometimes touched on by scholars in their evaluations of the implementation of flexible working policies is that they can create hostilities or tensions among managers and their staff, and between different groups of workers (Teasdale 404). In some organisations it may be argued that work-life and flexible working policies have enhanced organisational attachment «even amongst workers with no current dependent care responsibilities, because the employer is perceived as caring for its workers» (Lewis, «Family» 17). Yet, in other organisations it creates resentment, and poor co-worker support. In such cases employees are often reluctant to pursue work-family and flexible working policies (McDonald, Brown, and Bradley 38). For example, Lewis notes that poor support is often linked to the belief that policies are inequitable –that is they benefit one group of workers– generally parents, at the expense of their childless colleagues who feel resentful for having to work longer hours and cover the workloads of their colleagues who have children («Family» 18). Consequently, there is a tendency for workers who make use of flexibility to be perceived as getting «special treatment» and employees who have used such policies are very aware of the need to balance «use» versus «abuse» so as not to be seen and treated as a less committed worker (McDonald, Brown, and Bradley 49). Kelliher and Anderson draw upon social exchange theory to argue that flexible working policies can actually lead to work-intensification (83) or what Putnam *et al.*, (2013) refers to as the «autonomy-paradox» –that is, the more autonomy an employee has,

the greater the number of hours they tend to work, often feeling they have to work harder in exchange for their flexibility (427).

Emphasised in the flexible working research literature is that policies in practice are not only implemented and played out in organisations that are inherently gendered (Teasdale), with individual career and pay implications but have depended on individual managerial discretion as well as co-worker cooperation (Crompton, *Employment* 110; McDonald, Brown, and Bradley 37; Teasdale 399). It is argued that few managers received training on flexible working policies despite their responsibility for implementing such policies (Wise and Bond 20). Thus, while flexible working policies have been introduced by organisations at a formal level, policy implementation tends to occur on an informal and flexible basis, and often reflects reciprocity between managers and employers (Yeandle *et al.* 5). A similar point is made by Perrons who argues that not only does the implementation of work-life policies tend to be based on give and take between managers and their staff but also varies among employees themselves, with long standing staff more likely to have their requests met (391).

Looking through the lens of Bacchi's framework of questions, it is clear that an important factor in the decision-making process of managers is their own individual and gendered attitudes to the management of work and family responsibilities. Around two thirds of the managers (particularly in private sector organisations) that contributed to the 2004 Work Employment Relations Survey (WERS) believed that it was up to individual employees to balance their family and work responsibilities. Although it is important to stress that such attitudes are changing (Working Families 3) and have also been less prevalent in numerically female dominated organisations and among female managers (Kersley *et al.* 250). However, research indicates that in a climate of work intensification employees' utilisation of work-life policies has been made even more difficult, particularly when workers are employed in small teams or units and there is perceived to be a knock on effect for their colleagues (McDonald, Brown, and Bradley 37; Smithson *et al.* 115).

Underpinning much of the resentment in workplaces is discourse around the ideal worker and around motherhood and the assumption that mother's primary responsibility should be to her children (Lewis and Humbert 242). Discourses of motherhood contrast with notions of the ideal worker, creating



not only identity dilemmas for women but results in flexible working policy taking place around the margins of organisations for those who do not fit the idealised «male model» (Lewis «Family» 15; Lewis and Humbert 242). Understanding the uptake of flexible working policy and the potential for resentment and tensions must be considered within this context, as well as the individualistic context of contemporary society, in which the family still tends to be seen as an individual's responsibility (Lewis, «Family» 19). This is especially interesting in the context of «greedy organisations» and organisations predicated upon a performance-based culture and in which employees are being expected to work harder than ever in organisations that operate globally (Crompton, *Employment* 8; Kossek, Lewis, and Hammer 5). Teasdale's research on flexible working and social relations among professional women, in the context of the «gendered» workplace, revealed both support and resentment, highlighting that co-workers are a pivotal part of the lived experience or «playing out» of flexible working policy in practice (399). In particular, her research points to the «complex ways in which policies are negotiated at the level of daily workplace relations» (Teasdale 398). But as Hegtvædt, Caly-Warner, and Ferrigno point out, co-worker support is a factor that is often overlooked and left «silent» by policy analysts (386).

## 7. DISCUSSION AND CONCLUSIONS

The focus of this article has been on the UK's Right to Request Flexible Working legislation and organisations' flexible working policies. Adopting a gendered lens and drawing upon Bacchi's WPR approach, policy is understood as discourse with its meaning neither fixed nor static, but shifting across «time» (5). Three key themes were identified through applying the Bacchi framework of inter-related questions to the existing literature around UK flexible working policy. This included the dominance of the business case rationale; the gendered substructure of organisations; and the gap between policy on paper and policy in practice. The three emerging themes identified and discussed have helped expose: (i) the problem representation of flexible working policy –initially, getting more women into paid employment; (ii) the underlying premises and deep-seated presumptions of flexible working policy – that is normative assumptions around gender roles and how these are deeply

embedded and taken for granted in work and other social institutions; and (iii) their effects or outcomes in practice for social relations in the workplace, and who does and does not take up flexible working arrangements and the career implications of doing so. By applying a gender influenced Bacchi lens to the literature around UK flexible working the gendered underpinnings of policy, the discourses shaping them and the gendered contexts they are implemented in, and that are silenced and taken for granted, are revealed. Indeed, a very real consequence of this is that gender inequalities have tended to be perpetuated by the UK's Right to Request legislation rather than challenged and transformed.

The first theme emerging from the literature was the dominance of the business case in the promotion of policy. While arguments linked to social justice were part of the New Labour discourse around flexible working and work-life «balance» more generally when legislation was first introduced in 2002, central to the approach and the representation of the flexible working problem have been economic objectives, including the recruitment and retention of women workers. This has gradually shifted from a particular focus on increasing women's labour market participation to businesses using flexibility as a way to adapt quickly to changing markets (Lewis and Campbell 21; Lewis *et al.* 598). The UK policy approach has also been incremental to cause the least burden to companies, with the scope for requests to be turned down for businesses reasons.

The second theme identified through applying the Bacchi (5) framework of questions to the flexible working literature was that despite the language of gender neutrality, policies have been introduced and implemented into existing social systems and structures that are inherently gendered and must be understood and interrogated through a gendered lens. Thus, not only are work organisations' structures, cultures and practices gendered in terms of who does what jobs, but women and men enter the workplace as different types of workers, with traditional responsibilities for care as women's work taken for granted and silenced by flexible working policy discourse (Acker, «Hierarchies» 140; Wacjman 36). Thus, flexible working policy is more likely to be taken up by women and when men do use it, they tend to opt for different types of flexible working than women workers and for different reasons. In particular, men are more likely to utilise flexitime and remote working,

with very few men opting for such arrangements for the specific purpose of meeting childcare and family needs (CIPD 16; Ewald, Gilbert, and Huppatz 28).

The third theme identified from the flexible working literature through the lens of Bacchi was the significance of policy in practice –that is the effects it produces, particularly the way policy is negotiated and enacted in the daily «gendered» workplace and the implications for workplace relations. Indeed, it tends to be assumed that policies are being introduced and played out not only into gender-neutral organisations but supportive organisations. Studies show that policy in practice not only differs in different economic and social contexts but is shaped and informed by managerial discretion and co-worker relations, engendering tensions as well as relations of support and cooperation, which reinforce and silence normative assumptions around gender at the workplace level (Teasdale 409).

In this article, the focus has explicitly been on gender and has contributed to the extant literature by utilising the Bacchi approach to explore and problematise flexible working policy. In particular, it is shown that through a gendered lens and by adopting Bacchi's Foucauldian and post-structuralist informed approach that scholars and policy-makers should continue to question and shine a light on how policy is «problematised» and represented, negotiated, enacted and lived in daily workplace life. The article also highlights how policy as discourse, and the discourses shaping and informing flexible working policy, must be considered analytically in their social and organisational contexts to expose their gendered underpinnings and thus what is being «silenced». So although the UK's flexible working policy, first introduced through legislation in 2002 to workers with children under six, has been extended to all worker regardless of caring responsibilities and is now presented as universal and gender-neutral, the specific context in which policy is implemented continues to be overlooked. Thus, the extension of flexible working to all workers does not mean in practice that all workers are equal and that all workers benefit. Instead, flexible working policy in the UK has been introduced as a «quick fix» (Lewis, «Family» 14) into existing organisational structures and cultures, taking for granted normative gendered assumptions around paid and unpaid roles «rather than leading to long-term

structural and cultural changes not only in gendered work organisations but in society more widely» (Teasdale 410).

Despite the merits of adopting the Bacchi framework to analyse the UK policy around flexible working, there are some limitations to the article. While the focus of the article has been on the UK, the trajectories of flexible working and work-life policies have developed in different countries in different ways and these are thus worthy of exploring to interrogate how policies are «problematised» and how they are being «playout» in practice in different national contexts. Likewise, gender is not the only relevant factor –class, race, sexuality and age, for example, are also influential and intersect with the ways in which policy is implemented, interpreted and experienced in practice. Future research could consider using the Bacchi framework to explore flexible working policy in organisations not only as «gendered» but as «inequality regimes» (Acker, «Inequality» 441).

In conclusion, the UK Flexible working legislation and policy was due for review by the government in 2019, but has been delayed as a result of the predominance of the Brexit-agenda, and is likely to be delayed further due to the current COVID-19 pandemic and ensuing economic crisis. Re-visiting flexible working and work-life related policies, then, and utilising a Bacchi approach to do so by interrogating the representation of policy problems and the deep underlying assumptions shaping and informing them remains as relevant as ever.

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